

**REMARKS****The Examiner's Claim Rejections under 35 USC § 103****Rejection over Roe & Gillespie**

The Examiner rejects claims 19 and 20 under 35 USC 103(a) as being unpatentable over Roe et al. (6,120,783) in view of Gillespie et al. (5,783,503). The amendment of claims 19 and 20, above, should obviate these rejections.

**Rejection over Roe, Gillespie and Shultz**

The Examiner rejects claims 1-18 under 35 U.S.C. 103(a) as being unpatentable over Roe et al. (6,120,783) in view of Gillespie et al. (5,783,503) and further in view of Shultz et al. (6,103,647).

The Examiner admits that the combination of "Roe and Gillespie disclose the use of polypropylene microdenier fibers, but fail to disclose the use of metallocene polypropylene spunbond fibers." He further states "Shultz discloses the use of metallocene polymers, such as polypropylene, and can be developed by spunbonding (column 9, lines 25-32, column 10, lines 63-65)."

However, Shultz requires that the fabric produced be "a laminate having at least one layer of **meltblown elastic** fibers bonded on either side with a layer of soft non-elastic fibers...". The metallocene fibers of Shultz, then, are elastic, meltblown and present in an interior layer of the laminate.

Further columns 7, line 7, through column 12, line 47, constitute a discussion of elastomeric polymers useful as elastic fibers in the Shultz laminates: 1) column 7, line 7, Shultz states: "Elastomeric thermoplastic polymers useful in the practice of this invention may be those made from block copolymers such as polyurethanes, copolyesters, polyamide polyether block copolymers, ethylene vinyl acetates (EVA), block copolymers having the general formula A-B-A' or AB like copoly(styreneethylene-butylene), styrene-poly(ethylene-propylene)-styrene, styrene-poly(ethylene-butylene)-styrene, (polystyrene/poly(ethylene-butylene))/polystyrene, poly(styrene/ethylene-butylene/styrene) and the like, 2) at column 8, line 1, Shultz states: "Other exemplary elastomeric materials which may be used include polyurethane elastomeric materials, such as, for example, those available under the trademark ESTANE®, ...or MORTHANE®, ..., polyester elastomeric materials such as, for example, those available under the trade designation HYTREL®...and those known as ARNITEL®... 3) at column 8, line 11: "another suitable material is a polyester block amide copolymer having the formula.....4) at column 8, line 52, the citation states: "Elastomeric polymers also include copolymers of ethylene and at least one vinyl monomer, such as, for example, vinyl acetates, unsaturated aliphatic monocarboxylic acids and esters of such monocarboxylic acids,

5) at column 9, line 26: "These materials have recently been joined by a new class of polymers...The new class of polymers is referred to as "metallocene" polymers or as produced according to the metallocene process.

The above illustrates that the metallocene polymer by Shultz is clearly elastic and is merely one of a "laundry list" of possible types. Column 10, line 37-40, refers, during discussion of metallocene polymers, to an article titled: "A Strategy for the Synthesis of Thermoplastic **Elastomeric** Polypropylene".

There is certainly no motivation present in Shultz to 1) not utilize an SMS laminate, 2) place polypropylene metallocene polymers in the outer layers of the laminate, or 3) utilize a non-elastic polypropylene metallocene. If the meltblown metallocene propylene polymer nonwoven of Shultz were used in the cuffs of Roe in the microdenier of Gillespie, the article would not be that of Applicants

Even if the Shultz metallocene polymers were spunbond they would still be a part of a three layer laminate. There is no motivation provided by Shultz to produce a cuff comprising only spunbonded material as is required by the instant claims.

The Examiner asserts in the present Office Action that the metallocene polymer materials of Shultz are suitable for use in the instant articles. However, without the advantage supplied by a prior reading of the instant application, there is nothing which would lead one of skill in the art to use the inner layer of the Shultz structure to replace the spunbonded nonwoven of the instant claims.

If the Shultz metallocene polymer were spunbonded and utilized in the cuffs of Roe in a microdenier, the metallocene polymer would still be required to be elastomeric. There is no contemplation in the instant application of the use of elastomeric spunbonded material. The article would still, therefore, not be that of Applicants.

#### **Rejection over Lawson, Gillespie and Shultz**

The Examiner also reiterates his rejection of claims 1-18 under 35 U.S.C. 103(a) as being unpatentable over Lawson et al. (4,695,278) in view of Gillespie et al. (5,783,503) and further in view of Shultz et al. (6,103,647).

The remarks above with regard to Shultz apply to this rejection also. The Examiner contends that Lawson discloses that "the barrier cuffs may be spunbonded, therefore no (0%) meltblown fibers are used. However, if the elastic metallocene polymer material of Shultz were utilized in the cuffs of Lawson, the article would still not be that of the instant claims.

**CONCLUSION**

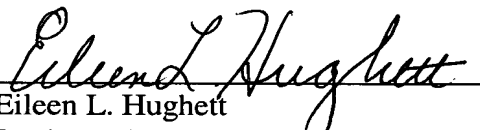
For the foregoing reasons, Applicants respectfully submit that the applied references and reference combinations do not disclose or render obvious claims 1-20.

Accordingly, favorable reconsideration of claims 1-20 is earnestly solicited in the form of a Notice of Allowance.

Should any issues impeding continuing examination of this Application remain, the Examiner is encouraged to contact the undersigned by telephone at the earliest possible date to achieve a timely resolution.

Respectfully submitted

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE****In the Claims**

Please amend claim 19 to read as follows:

19. An absorbent article to be worn by a wearer adjacent the skin, the absorbent article comprising:

a chassis having edges, said chassis comprising:

an outer covering layer; and

an absorbent core encased in said outer covering layer;

a barrier cuff joined to said chassis, said barrier cuff comprising a separate barrier cuff member having a proximal edge and a distal edge in spaced relation to said proximal edge, said proximal edge being joined to said outer covering layer, a portion of said distal edge not being secured to the absorbent article, and a spacing elastic element operatively associated with said distal edge for allowing said barrier cuff element to stand upwardly away from said outer covering layer, said barrier cuff comprising metallocene polypropylene spunbond fibers having a denier less than about 1.3 and a hydrostatic head of at least about 85 mm.

Please amend claim 20 to read as follows:

20. An absorbent article to be worn by a wearer adjacent the skin, the absorbent article comprising:

a chassis having edges, said chassis comprising:

an outer covering layer; and

an absorbent core encased in said outer covering layer;

a barrier cuff joined to said chassis, said barrier cuff comprising a separate barrier cuff member having a proximal edge and a distal edge in spaced relation to said proximal edge, said proximal edge being joined to said outer covering layer, a portion of said distal edge not being secured to the absorbent article, and a spacing elastic element operatively associated with said distal edge for allowing said barrier cuff element to

stand upwardly away from said outer covering layer, said barrier cuff comprising metallocene polypropylene spunbond fibers having a denier less than about 1.3 and a hydrostatic head of at least about 85 mm; and

an effective amount of a skin care composition disposed on said barrier cuff member, said skin care composition being semi-solid or solid at 20°C and at least partially transferable to a wearer's skin.